

Beverly Thorp
c/o Box 2070
Sunnyvale CA 94087
FC003

FILED

APR -8 A 11:53

UNITED STATES DISTRICT COURT

Northern District of California
San Jose Division

CHRL
Plaintiffs:

Beverly Thorp

v.

Defendant:

Judge Robert Attack, et al.
Superior Court of Santa Cruz
701 Ocean St.
Santa Cruz CA 95060

Does 1 through 99

Case No. C 08 – 01449 HRL

**Demand To Proceed Before
A Magistrate Judge and Oppose
Any Reassignment To A
United States District Judge**

**Demand To Proceed Before A Magistrate Judge and Oppose
Any Reassignment To A United States District Judge.**

I, Beverly Ann Thorp, a flesh-and-blood woman, a human being, an Authorized Representative and Agent for BEVERLY THORP, sui juris, Ingenuitas juris et de jure, a State National citizen and NOT a Federal Zone citizen. Under a special appearance of Propria Persona, Without Prejudice, under the Uniform Commercial Code, UCC 1-207, UCC 1-103, and UCC 3-402, have first hand knowledge of the facts stated herein, and being competent in mind and body to testify, declare and affirm the facts stated herein are true correct, complete and admissible as evidence, in all material fact, not misrepresented

1 and are made pursuant to the Laws of the Union of States of America and the California
2 Republic.

3
4 **UCC 1-207 Sufficiency of reservation.**

5
6 Any expression indicating any intention to preserve rights is sufficient, such as "without
7 prejudice," "under protest," "under reservation," or "with reservation of all our rights."
8

9 The making of a valid reservation of rights preserves whatever rights the person possesses
10 and prevents the loss of such right by application of concepts of waiver or estoppel.
11

12 **UCC 1-103 Common law.**

13
14 The UCC Code is "Complementary" to Common Law which remains in force except where
15 displaced by the Code.
16

17 All statutes should be construed in harmony with the Common Law unless there is a clear
18 legislative intent to abrogate Common Law. ... "The UCC Code cannot be read to preclude
19 a Common Law action."
20

21 *The essence of procedural due process is fundamental fairness. de Koevend v. Board of*
22 *Educ., 688 P.2d 219, 227 (Colo. 1984). The parties have a right to be heard when their*
23 *rights are affected, and in order to enjoy this right they must first be notified. City of*
24 *Chicago v. American National Bank & Trust Co. (1988), 171 Ill. App. 3d 680, 688, 121 Ill.*
25 *Dec. 608, 525 N.E.2d 915. Due process requires, at a minimum, notice and the opportunity*
26 *for a meaningful hearing before an impartial tribunal. Mathews v. Eldridge, 424 U.S. 319,*
27 *333, 348-49 (1976).*
28

29 The Plaintiff Demands this Action Proceed Before the assigned Magistrate Judge and the
30 Plaintiff adamantly OPPOSES, REJECTS, STAND AGAINST, PROTEST, and TAKE
31 ISSUE WITH the reassignment of this Action to a United States District Judge.

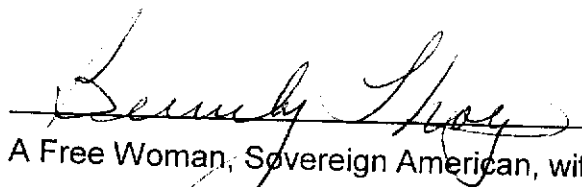
1 There is NO good or VALID reason presented to make the changes requested by the
2 Defendant' attorney. A valid judgment can and should be rendered by a Magistrate who is
3 competent, unbiased, where a Defendant is guilty.

4
5
6 Further, Beverly Thorp saith naught.

7
8
9 Without Prejudice, UCC 1-207, UCC 1-103, & UCC 3-402

8 April 2008

10 Beverly Thorp, an Authorized Representative and Agent

11
12
13  , In Propria Persona Sui Juris
14 A Free Woman, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1)
15 De Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

16
17
18 Reserving All Rights, Giving Up None.

19 Notice to agent is notice to principal. Noted to principal is notice to agent.

20 All Rights Reserved (UCC1-308)

PROOF OF SERVICE / DELIVERY

(CCP § 413.10 – 416.90)

I am a citizen of the California Republic. I am over the age of eighteen years. I am able and willing to testify to the facts stated herein.

I served the following document(s) on all appropriate parties in this action by placing a copy of the said document(s) in a sealed envelope, with postage attached, and deposited it with the U.S. Postal Service.

• **Demand To Proceed Before A Magistrate Judge and Oppose Any Reassignment To A United States District Judge (FC003)**

X I caused such envelope to be deposited in the mail with the U.S. Postal Service. The envelope was mailed with postage thereon fully prepaid. Mailed to each of the following:

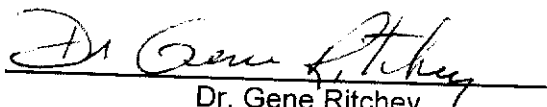
Judge Robert Attack, 701 Ocean St., Santa Cruz CA 95060.
Judge Paul Burdick, 701 Ocean St., Santa Cruz CA 95060.
Troy Overton, 455 Golden Gate Ave. Ste 11000, San Francisco CA 94102

 The Proof of Service / Delivery signed by the authorized courier is on file and is available upon demand.

I am readily familiar with the practice of collection and processing correspondence for mailing. The above document(s) were deposited with the U.S. Postal Service within the time frame prescribed by law.

I declare, under penalty of perjury of the laws of the State of California the foregoing is true and correct.

8 April 2008


Dr. Gene Ritchey
c/o Box 2070
Sunnyvale CA 94087